



Portsmouth, Virginia Police Department Department Organization

Warrant Service		OPR	56
Effective: 06.20.14		6	pages
Supersedes:	06.01.11	CALEA: 1.2.5, 74.1.1, 74.1.2, 74.1.3, 74.3.1, 74.3.2	

APPROVED: Edward G. Hargis, Chief of Police

PURPOSE: To provide guidance and procedures for warrant service and tracking.

GUIDELINES: All Portsmouth Police officers are responsible for warrant service. Officers will execute warrants, summonses, and other criminal process in accordance with Virginia State code §§ 19.2-81 and 19.2-82 and will be mindful of statutory jurisdictional limitations.

DEFINITIONS:

Priority I Criminal Process – warrants or other court processes that have the highest degree of urgency. Officers should give these should top priority for service attempts, and include:

- A. All felony classes and class 1 and 2 misdemeanor warrants of a violent nature where imminent danger to the victim or to others is present;
- B. Any warrants issued by the magistrate, who at that time, believes that a threat of violence remains imminent, and where the service of the warrant may potentially end the conflict or prevent it from escalating;
- C. Warrants the on-duty magistrate issues with a request for immediate service. The Magistrate will notify Police Records Unit (PRU) personnel who will then notify an E-911 dispatcher. The dispatcher will assign the warrant to an appropriate patrol officer for service attempt.

Priority II Criminal Process – warrants or other court process involving no apparent threat to the safety of the community or those involved in the incident.

PROCEDURES:

- I. Sworn Officer Responsibilities (1.2.5, 74.3.1)
 - A. Officers who come into contact with persons having outstanding indictments, warrants, or summonses will take the following actions in order to have the legal process served:
 - 1. Felony indictments or warrants; take the person into custody forthwith.
 - 2. Class 1 or 2 misdemeanor indictments, warrants, and summonses; take the person into custody forthwith and, when applicable, release on a signature.
 - 3. Class 3 and 4 misdemeanor summonses; make arrangements to have the summons delivered to the scene while detaining the suspect for a reasonable time.

- B. Officers will adhere to the guidelines and procedures set forth in ADM-02, Police Officer Authority and Responsibilities.
- C. Officers will confirm the wanted status through Communications or the PRU prior to transportation. The type of process must also be verified to ensure that a custodial arrest is not made if it is not authorized. All warrants must be confirmed through NCIC/VCIN.
- D. When possible, officers will obtain the appropriate assistance necessary to effect an arrest so as to maximize officer safety and minimize the chance of injuries or escape.
- E. Arresting officers will execute, or cause to be executed, all known outstanding warrants, indictments, and summonses, and will provide, or cause to be provided, a copy of such legal process to the prisoner.
- F. Officers will forthwith transport the prisoner to the magistrate for a bail hearing and/or a probable cause hearing. This does not preclude transporting the prisoner to a medical facility to obtain treatment or to a police building for investigative purposes.
- G. Officers will conduct any appropriate investigation and complete all required initial reports in accordance with departmental guidelines and procedures. (1.2.5 a)
- H. Only sworn personnel will execute arrest warrants. (74.3.2)
- I. Officers will attempt to serve any warrants, summonses, Emergency Protective Orders, or detention orders they secure. Prior to attempting service, officers must bring the paperwork to the PRU so that the item(s) can be logged in the Records Management System (RMS), NCIC/VCIN, and the PRU log book. The item can then be checked out to the officer attempting service.
- J. Emergency Protective Orders (EPO's):
 - 1. Any officer who secures an Emergency Protective Order (EPO) will attempt to serve it within two hours of its issuance.
 - 2. Once served, officers must immediately return all protective orders to PRU to allow for entry into NCIC/VCIN within two hours.
 - 3. If the securing officer is unable to complete service to both parties and has documented his or her service attempts, the Fugitive Apprehension Unit (FAU) will attempt secondary service of the EPO, if possible, before its expiration.
 - 4. If an individual obtains an EPO from the magistrate for actions that do not require an IBR, the PRU clerk will, upon receipt of the EPO, contact the communications center in order to generate a call for service. The assigned officer will attempt to serve the EPO.
- K. Officers assigned to the FAU have primary responsibility for handling un-served Priority I warrants. Warrants assigned to FAU personnel are highlighted on the daily "Active Warrants List." To avoid interference with FAU investigations, officers should not proactively target these individuals, but should make an arrest if the individual is encountered.

L. Uniform Patrol and Community Services Unit officers shall proactively serve Priority I and II warrants in their assigned area that are listed on the published active warrant list. Emphasis should be directed toward Priority I warrants that are not assigned to FAU with secondary emphasis directed toward Priority II warrants. It is not required to have the warrant “in hand” to serve it, but officers **must** verify that the warrant is still active **before** attempting service.

M. Unsuccessful warrant service attempts:

1. The primary officer must document all unsuccessful attempts to serve outstanding warrants, indictments, summonses, detention orders, Emergency Protective Orders (EPO), Preliminary Protective Orders (PPO), or Protective Orders (PO) in the “tracking” section of the RMS warrant module, including any relevant notes.
2. The officer must include the address where service was attempted in the tracking notes he or she enters (address shown in RMS warrant module may change as records are updated, thus making it difficult for other officers to determine what location was already visited).
3. Only those officers without MDC access may use the paper warrant tracking form to record the service attempt.
4. Officers will leave a door hanger at the location if unsuccessful.

N. The Department will serve misdemeanor and felony warrants from other cities upon request and when an officer has a wanted subject in custody. The originating agency will fax a copy of the warrant to the PRU. (74.1.3, b)

II. Arrest Warrant Execution Authority

- A. For Fourth Amendment purposes, an arrest warrant founded on probable cause implicitly carries with it limited authority to enter a dwelling in which a suspect lives when there is reason to believe that the suspect is within (**Payton v. New York**). The rule applies to misdemeanor warrants and felonies (**United States v. Spencer, Archer v. Commonwealth**).
- B. Officers may make a non-consensual and/or forced entry into a suspect’s home with an arrest warrant only when there is a reasonable belief or probable cause that the suspect is inside. Officers must be able to articulate the reasons that lead to this belief. When determining forced entry consider that nature of the crime for which you have an arrest warrant and any potential danger to involved officers.
- C. Non-consensual entry - A police officer may enter the residence of a person named in an arrest warrant (not forced entry – while any entry into a home without permission is considered to be “forced entry” this section applies to those situations where officers enter without any physical force or damage, e.g., the homeowner states that you cannot enter, yet you do so by going through the open door and bypassing the resident) to affect the arrest without having the actual warrant “in-hand” as long as the officer has verified:
1. The existence of an outstanding warrant for the suspect has been verified by the Magistrate or another Portsmouth Police officer and is physically “in hand.”

2. The residence to be entered is the same address recorded on the arrest warrant (note that the address in RMS and on the daily Active Warrants List is automatically updated, and may not be the address that is actually listed on the warrant). If the wanted person is inside a third party residence, officers shall secure the scene and obtain a search warrant in order to enter and make the arrest of the wanted person.
 3. The officer can positively identify the suspect and has reason to believe the suspect is inside.
- D. Forced entry (e.g., pry bar or ram) - All of the requirements for non-consensual entry in IV.C must be met. Additionally:
1. Absent exigent circumstances, personnel shall notify their supervisor before forcing entry. The supervisor will respond and determine if entry is warranted based upon the nature of the warrant and the capabilities and availability of officers.
 2. Officers should not force entry into a residence for relatively minor offenses.
 3. If forced entry is authorized, the officers shall have the warrant “in hand” prior to doing so.
 4. If an officer forces entry where damage results, he or she will complete a city damage to property report.

III. Warrant Records Management – for this section, the term warrant includes warrants, indictments, capiases, summonses, detention orders, Emergency Protective Orders, preliminary protective orders, and protective orders.

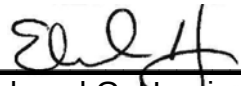
- A. Court personnel and obtaining officers will generally deliver warrants to PRU. If a citizen secures a warrant, the magistrate will call PRU and one of its clerks will pick up the warrant for processing.
- B. PRU Quality Control Specialists will enter all warrants and detention orders issued within the city of Portsmouth into the RMS warrant module as soon as the Magistrate issues it. If the obtaining officer intends to attempt service on a newly obtained warrant for which the accused is not already in custody, it should be logged into PRU prior to attempting service. The Department will maintain such warrant records even if a warrant is subsequently served to allow for the compilation of statistical information. PRU personnel will not enter warrants received from other jurisdictions into RMS. (74.1.3, c)
- C. Officers shall return all unserved warrants to PRU prior to securing from duty. Officers shall not transfer any warrant to another officer without logging it in and out of PRU. Investigators shall not leave unserved warrants in their desks or vehicles at the conclusion of their shift.
- D. Any warrant purging shall comply with Virginia Code § 19.2-76.1.
- E. Quality Control Specialists will maintain the tracking notes data contained in the RMS warrant module. Such notes document our efforts at warrant service, such as number of attempts, information found through research, calls made by officers or clerks regarding the warrants, letters sent to wanted persons and purging or recall of warrants. PRU staff will review the

tracking sheets on any warrants that are checked out and then returned to PRU to ensure that the tracking notes in RMS are up-to-date.

- F. Quality Control Specialists will review each warrant received from the courts, the magistrates or other jurisdictions for accuracy and ensure they contain the signature of the issuing authority.
- G. Quality Control Specialists should cross reference each warrant and detention order with the corresponding Police incident report. They must then enter each detention order and warrant into NCIC/VCIN as required by NCIC/VCIN manuals and procedures. (74.1.3, d)
- H. PRU personnel will identify outstanding warrants for each primary beat, print a PISTOL sheet with the suspect's information, and attach a tracking sheet for use by police personnel attempting to serve the warrant.
- I. PRU personnel (and/or booking unit personnel) will research warrants to determine if the suspect is incarcerated in either the City jail or the Hampton Roads Regional jail. If the suspect is in another jurisdiction's jail, the officer will fax the warrant to that jurisdiction for service.
- J. Each warrant jacket will contain the warrant, any extradition limitations or requirements, and VCIN/NCIC entry information as required by NCIC/VCIN manuals and procedures.
- K. PRU personnel will prepare warrant and detention order tracking sheets that include the following information
 - 1. Date and time service was executed/attempted; (74.1.2)
 - 2. Name of the officer executing/attempting service; (74.1.2, b)
 - 3. Name of the person on whom legal process was served/executed (74.1.2, c)
 - 4. Method of service/reason for non-service; and (74.1.1, d)
 - 5. Address of service/attempt (74.1.2, e)
- L. PRU will house the alphabetical warrant and detention order files. This allows officers 24 hour access to warrants from a secure location. (74.1.3, f)
- M. PRU and FAU personnel are the only personnel authorized to enter and remove any legal process from its file location or the designated box. Any warrant removed from the PRU or FAU warrant files will be signed out in the designated logbook indicating who the warrant is assigned to. Officers will return all warrants to PRU at the conclusion of their shift.
- N. PRU shall log all criminal summonses checked in or out by Uniform Patrol officers in the log book. Such summonses must be returned prior to the end of the officer's shift. The PRU Sergeant shall check daily to ensure the summonses are returned.
- O. PRU personnel will monitor daily the Portsmouth issued unacknowledged warrant list generated in VCIN through the E-Magistrate system. Personnel must acknowledge all issued warrants in VCIN, and update and modify the original VCIN entry within 72 hours of issuance.
- P. PRU personnel must check for and ensure removal of served criminal warrants from NCIC/VCIN and our active files. They must also update them as served in RMS. (74.1.3, a, e)

- Q. Quality Control Specialists shall review any warrant removal made by clerks after hours to ensure they were done correctly and in accordance with VCIN/NCIC requirements. (74.1.3, a)
- R. Virginia Code requires periodic review of all active warrants by the PRU Sergeant and, in accordance with such code, presentation of them to the Commonwealth's Attorney for review. PRU personnel shall remove any warrant ordered for destruction from the active warrant file and from NCIC/VCIN. PRU will also change the warrant status to purged in the tracking notes of the Warrant module in RMS.
- S. When confirming a warrant, PRU personnel must physically pull the warrant and ensure it is in hand rather than relying upon PISTOL data. (74.1.3 d)
- T. PRU personnel will generate a "notification" letter from RMS for each un-served warrant or summons and mail it to the best known address of the wanted person(s). PRU personnel shall not send the letter sooner than five calendar days after the warrant is issued in order to allow for personal service attempts. They shall send the letters not later than ten calendar days after entry. They shall not send letters for class 1 through 4 felonies.

APPROVED: _____


Edward G. Hargis, Chief of Police